

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LESHAUN BENJAMIN,

Plaintiff,

v.

Case No. 22-cv-431-pp

SERGEANT SONNETAG,
SERGEANT BARRETT,
and SERGEANT LEE,

Defendants.

**ORDER DISMISSING CASE WITHOUT PREJUDICE FOR PLAINTIFF'S
FAILURE TO PROSECUTE**

On September 14, 2022, the court received from the plaintiff a request for a continuance on his "previous cases." Dkt. No. 34. On September 27, 2022, the court denied that request, granted the defendants' motion to compel and ordered that by the end of the day on October 28, 2022, the plaintiff must provide the defendants with the discovery they had requested. Dkt. No. 36. The court noted the plaintiff's repeated failure to update the court with his current address, respond to the defendants' discovery requests or otherwise prosecute this case. Id. at 2–4. The court reminded the plaintiff that because he is representing himself in this case, "it remains his responsibility to litigate his lawsuit[], to notify the court when he is released from custody and to advise the court of his address when he is released." Id. at 4. The court warned the plaintiff that if by the October 28, 2022 deadline, "the defendants have not received from the plaintiff responses to their discovery demands, the

defendants may notify the court of that fact. If the defendants notify the court that they have not received the discovery and this court has not received a written explanation from the plaintiff about why he could not provide the discovery, the court will dismiss the case without prejudice on the next business day.” Id. at 5 (citing Civil Local Rule 41(c) (E.D. Wis.)). The court obtained the plaintiff’s current address from his supervising probation officer and mailed the order to that address. Id.

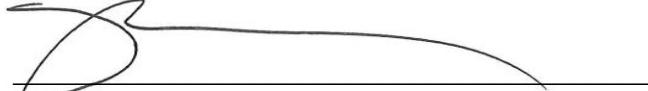
By the October 28, 2022 deadline, the defendants had not informed the court whether the plaintiff had responded to their discovery requests. On November 8, 2022, the court ordered the defendants to update the court about the status of their discovery requests and the plaintiff’s participation by the end of the day on November 14, 2022. Dkt. No. 37. The same day, the defendants filed their response. Dkt. No. 38. They advise the court that “Plaintiff has never responded to discovery or contacted undersigned counsel in any way.” Id. at 1. Nor has the court received a written explanation from the plaintiff about why he could not provide the discovery. Because the plaintiff has not complied with the court’s September 27, 2022 order to respond to the defendants’ discovery demands by the end of the day on October 28, 2022, the court will enforce the September 27, 2022 order and dismiss this case without prejudice.

The court **ORDERS** that this case is **DISMISSED WITHOUT PREJUDICE**

under Civil Local Rule 41(c) (E.D. Wis.) because the plaintiff has failed to prosecute it. The clerk will enter judgment accordingly

Dated in Milwaukee, Wisconsin this 9th day of November, 2022.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge